

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OTIS ELEVATOR COMPANY )  
Plaintiff; )  
 )  
v. ) Docket No. 04-12493 (RGS)  
 )  
LOCAL 4, INTERNATIONAL UNION )  
OF ELEVATOR CONSTRUCTORS; )  
MICHAEL LANGER, INDIVIDUALLY, )  
and as BUSINESS MANAGER; )  
KEVIN McGETTIGAN, INDIVIDUALLY, )  
and as BUSINESS REPRESENTATIVE; )  
STEVE MORSE, INDIVIDUALLY, and )  
as BUSINESS REPRESENTATIVE; )  
and all others conspiring, acting in concert )  
or otherwise participating with them or )  
acting in their aid or behalf, )  
Defendants. )

**PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY**

Plaintiff Otis Elevator Company ("Otis") hereby files its Motion for the entry of an Order authorizing expedited discovery in this proceeding, and in support of same respectfully submits the following:

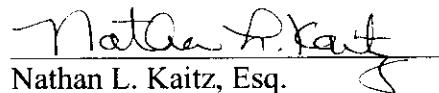
1. On November 24, 2004, pursuant to Plaintiff Otis' motion, the Court granted a Temporary Restraining Order, enjoining the Defendants, International Union of Elevator Constructors (the "IUEC"), IUEC Local 4 ("Local 4") (collectively "Defendants" or the "Unions") and their officers, agents, representatives and members, from continuing or engaging in, or threatening to engage in, any strike, work stoppage, slowdown, refusal to work, sit-down or sabotage against the Company.
2. Upon the issuance of the Temporary Restraining Order on November 24, 2004, Otis immediately notified Defendants of the issuance of the Order and thereafter caused the Order to be served upon Local 4 and their officers and members.

2. Despite the issuance of the Temporary Restraining Order and notice to the Defendants, Local 4 and its bargaining union members engaged in a concerted unlawful work stoppage over the Thanksgiving weekend (Thursday, November 25 through Sunday November 28, 2004) by refusing to perform overtime callbacks, pre-scheduled repair work and other required repair assignments.

3. After a hearing on November 30, 2004, attended by both parties, the Court issued a Standstill Order, enjoining Defendant Local 4 from inducing, authorizing, or encouraging employee-members from refusing to perform voluntary overtime callbacks or otherwise obstructing the normal business operations of Plaintiff Otis, as well as ordering the parties to undertake expedited arbitration of all issues related to the discharge of Local 4 members Ortiz and Nugent.

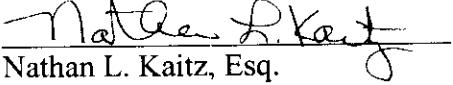
4. Plaintiff now seeks an Order authorizing expedited discovery to allow Plaintiff to ascertain facts and secure testimony in support of Plaintiff's efforts for further remedial and equitable action against Defendants as the result of their unlawful work stoppage over the Thanksgiving holiday weekend, which was in violation of the Court's Temporary Restraining Order as well as the collective bargaining agreement between Otis and IUEC.

WHEREFORE, Plaintiff Otis, by its undersigned counsel, respectfully requests that this motion to order expedited discovery be GRANTED.

  
Nathan L. Kaitz, Esq.  
BBO # 256760  
James M. Pender, Esq.  
BBO #635762  
MORGAN, BROWN & JOY, LLP  
One Boston Place  
Boston, MA 02108  
Telephone: (617) 523-6666

CERTIFICATE OF SERVICE

I, Nathan Kaitz, Esq., hereby certify that a true copy of the above document was served upon the attorney of record for Defendants, Paul F. Kelly, Esq.; Segal, Roitman & Coleman; 11 Beacon St., Boston, MA 02108 by facsimile transmission and first class mail on November 30, 2004.

  
Nathan L. Kaitz, Esq.